

REMARKS

Claims 1 and 10 currently remain in the application. Claims 12-17 remain withdrawn as being addressed to a non-elected subject matter. Claims 2-9 and 11 have been canceled. Claim 1 is herein amended.

Regarding the matter of the Markush grouping in Paragraph 6 of the Official Letter, claim 1 has been rewritten in the manner suggested by the Examiner although this is in order to expedite the prosecution and not indicative of the applicant's admission that the claim language as originally presented was incorrect.

Claims 1 and 10 were rejected under 35 U.S.C. 103 over Kerkar in view of Ohta, further in view of Berke and still further in view of Kloetzer for the reasons given in the office action dated May 16, 2007.

The present invention according to claim 1 herein relates to a multi-functional admixture for concrete comprising Component A by 20-84 weight %, Component B by 15-79 weight % and Component C by 0.3-3 weight % such that their total will be 100 weight %, where Components A, B and C are as described in detail in claim 1. It has already been discussed in Amendment "G" that Component A as defined herein is different from what are disclosed in Kerkar or Ohta.

Next, applicant repeats the argument that Component B as defined herein is different from whatever is described in Berke. As described in claim 1 herein, Component B is polypropyleneglycol monoalkyl ether. By contrast, what is cited by the Examiner from Berke's column 6 at lines 60-61 is polypropylene glycol (MW=425). Polypropyleneglycol monoalkyl ether has one end of polypropyleneglycol closed with an alkyl group and hence is different from polypropylene glycol.

There is a partial overlap between Component C as defined in claim 1 and what is described in Kloetzer. As described in claim 1 herein, Component C is organic phosphate shown by Formula 4 or Formula 5, where Formula 5 is phosphate monoester with A⁴ is (poly)oxypropylene group. By contrast, the phosphate monoesters shown by Formula (II) of Kloetzer correspond to R¹ in Formula (II) being alkyl polyoxyethylene group, alkyl polyoxypropylene group, alkyl phenoxy alkyl group or alkyl phenyl polyoxyalkyl group (column 7 at lines 23-25). In other words, the overlap between Kloetzer's phosphate

monoester and Formula 5 of claim 1 occurs only when R¹ in Formula (II) of Kloetzer is alkyl polyoxypropylene group.

Applicant is submitting herewith a declaration under Rule 132 by one of the joint inventors hereof in order to show the effects of NOT using one or more of Components A-C. Tables 4a and 5a therein clearly show that use of components in cited references instead of Components A-C according to claim 1 results in much less desirable characteristics especially regarding slump and durability against freezing and thawing action. In other words, it is believed that the choice of components as specifically and narrowly characterized in Claim 1 is not obvious even if all of the cited references were considered in combination and hence that the application should be deemed allowable.

Applicants believe that no fees are due. If it is determined that fees are due, Applicants authorize the Commissioner to charge the required fees to Deposit Account No. 500388 (Order No. TKMTP127).

Respectfully submitted,

/Keiichi Nishimura/

Keiichi Nishimura
Registration No. 29,093

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BEYER WEAVER LLP
500 12th Street, Suite 200
Oakland, California 94607
Telephone: (510) 663-1100
Telefax: (510) 663-0920